

RESOLUTION NO. 2019-77

RATIFYING AN INCREASE TO CONTRACT NO. 2019-087 WITH THE GREAT LAKES CONSTRUCTION CO. FOR ADDITIONAL EMERGENCY REPAIRS OF THE RED LINE S-CURVE RETAINING WALL, IN AN AMOUNT NTE \$650,000.00, FOR A TOTAL CONTRACT AMOUNT NTE \$1,300,000.00 (RTA DEVELOPMENT FUND, ENGINEERING & PROJECT DEVELOPMENT DEPARTMENT BUDGET)

WHEREAS, the Authority deemed it necessary to acquire construction services, for the Emergency Repair of the Red Line S-Curve Retaining Wall; and

WHEREAS, by Resolution No. 2019-59 adopted June 4, 2019, the Board of Trustees approved the ratification of emergency Contract No. 2019-087 with The Great Lakes Construction Co., located at 2608 Great Lakes Way, Hinckley, Ohio 44233, to work with GCRTA personnel and outside consultants to perform repairs to the Red Line S-Curve Retaining Wall in an estimated amount not to exceed \$650,000.00; and

WHEREAS, now that the design concept has been completed by the subcontractor to The Great Lakes Construction Co., the cost of the design, material and repairs is now estimated to total \$1,300,000.00; and

WHEREAS, this change order exceeds the General Manager's change order authority; and

WHEREAS, in accordance with emergency and change order procedures specified in the GCRTA Procurement Manual, on July 5, 2019, the Interim CEO, General Manager/Secretary-Treasurer contacted the President of the Board of Trustees to discuss the need for this increase; and

WHEREAS, on July 5, 2019, the President of the Board of Trustees gave approval to the Acting Interim CEO, General Manager/Secretary-Treasurer for additional emergency repairs under Contract No. 2019-087 with The Great Lakes Construction Co., in an additional amount not to exceed \$650,000.00 for a total contract amount not to exceed \$1,300,000.00; and

WHEREAS, ratification of this increase, by the Board of Trustees, is now necessary.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the Board of Trustees hereby ratifies the actions of the Interim CEO, General Manager/Secretary Treasurer to procure additional construction services on an emergency basis without competitive procedures, pursuant to Ohio Revised Code Section 306.43(H)(1)(a) for the Emergency Repair of the Red Line S-Curve Retaining Wall.

Section 2. That the Interim CEO, General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to amend Contract No. 2019-087 with The Great Lakes Construction Co. to complete the design and construction services necessary to stabilize the S-Curve wall.

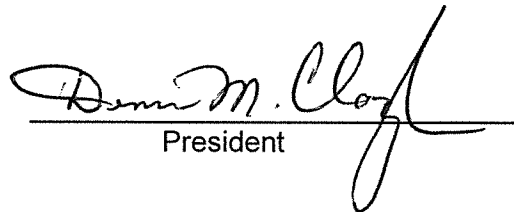
Section 3. This increase shall be payable through the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to, 100% Local funds, in an amount not to exceed \$650,000.00, for a total contract amount not to exceed \$1,300,000.00, pending FTA's approval to use grant funds for emergency repairs.

Section 4. That the Interim CEO, General Manager/Secretary-Treasurer's change order authority is reinstated in its entirety.

Section 5. That all other terms and conditions of said contract remain unchanged.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: July 16, 2019

  
\_\_\_\_\_  
President

Attest:   
\_\_\_\_\_  
Interim CEO, General Manager/Secretary-Treasurer



<b>TITLE/DESCRIPTION:</b> <b>CONTRACT:</b> RATIFICATION OF AN INCREASE TO CONTRACT NO. 2019-087 FOR ADDITIONAL EMERGENCY REPAIRS OF THE RED LINE S-CURVE RETAINING WALL  <b>VENDOR:</b> THE GREAT LAKES CONSTRUCTION CO.  <b>AMOUNT:</b> ADDITIONAL AMOUNT NTE \$650,000.00 FOR TOTAL CONTRACT AMOUNT NTE \$1,300,000.00	<b>Resolution No.:</b> 2019-77
	<b>Date:</b> July 11, 2019
	<b>Initiator:</b> Engineering & Project Development
<b>ACTION REQUEST:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This action will ratify an increase to the emergency procurement with The Great Lakes Construction Co. for Contract No. 2019-087 to provide additional design and construction services for Emergency Repair of the Red Line S-Curve Retaining Wall.
  
- 2.0 **DESCRIPTION/JUSTIFICATION:** GCRTA’s Engineering Department and outside consultants determined that the health, safety, and ability of GCRTA to deliver transportation services were compromised by the movement of the Red Line S-Curve Retaining Wall. Revenue service was stopped effective May 30, 2019. The Great Lakes Construction Co. agreed to work with internal GCRTA personnel and outside consultants to perform necessary repairs to the 20-foot high structure. The President of the GCRTA Board of Trustees gave approval for the emergency repair work which was preliminarily estimated to cost \$650,000.00. Pursuant to procedures contained in the GCRTA Procurement Manual, the Board of Trustees, in Resolution No. 2019-59 adopted June 4, 2019, ratified Contract No. 2019-087 with The Great Lakes Construction Co. for the amount of \$650,000.00.  
  

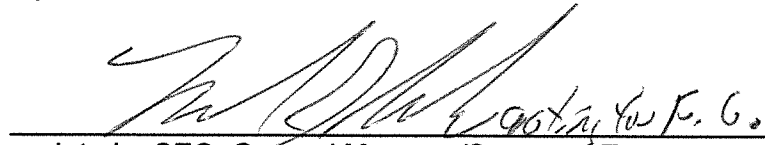
The Great Lakes Construction Co. has completed the design for the repairs, ordered steel, and begun preliminary site preparation. Based on costs accrued to date as well as the estimated cost to continue the work, the President of the GCRTA Board of Trustees, on Friday, July 5, 2019, approved an additional \$650,000.00 so that The Great Lakes Construction Co. can complete the repair work. This resolution requests that the Board of Trustees ratify the \$650,000.00 increase to Contract No. 2019-087, for a total contract amount not to exceed \$1,300,000.00.
  
- 3.0 **PROCUREMENT BACKGROUND:** Ohio Revised Code 306.43(H)(1)(a) states that competitive solicitation is not required when an emergency exists that affects safety, welfare, or the ability to deliver transportation services. Revenue service was stopped on May 30, 2019 due to health and safety concerns and cannot be resumed until the Red Line S-Curve Retaining Wall is structurally repaired.  
  

The GCRTA Procurement Manual contains procedures for emergency procurements. In accordance with those procedures, the need for the emergency work was presented to the President of the GCRTA Board of Trustees by GCRTA’s Interim CEO, General Manager/Secretary-Treasurer. Approval was given to proceed with the emergency contract, and the Board of Trustees approved Contract No. 2019-087, in Resolution No. 2019-59, adopted on June 4, 2019.

Now that design work has been completed, The Great Lakes Construction Co. will be unable to complete the emergency repairs at the preliminary estimated amount of \$650,000.00. This increase to Contract No. 2019-087 will enable The Great Lakes Construction Co. to complete the emergency repairs so that revenue service can resume through the S-Curve.
  
- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** No Affirmative Action review or DBE participation goal was considered for the proposed increase to an existing contract, due to the emergency nature of the continuing repairs being performed.

- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: This increase shall be payable through the RTA Development Fund, Engineering & Project Development Department budget, including but not limited to, 100% Local funds, in an amount not to exceed \$650,000.00, for a total contract amount not to exceed \$1,300,000.00, pending FTA's approval to use grant funds for emergency repairs.
- 7.0 ALTERNATIVES: Reject this ratification. Rejection of this change order will prevent repair of the wall and full operation of the Red Line.
- 8.0 RECOMMENDATION: It is recommended that the Board of Trustees ratify an increase to Contract No. 2019-087 with The Great Lakes Construction Co.
- 9.0 ATTACHMENTS: None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.

  
Interim CEO, General Manager/Secretary-Treasurer